

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
APRIL 26, 2005

Mayor Dirksen called the meeting to order at 6:31 p.m.

City Council present: Mayor Dirksen; Councilors Harding, Wilson, and Woodruff.

- STUDY SESSION

- > Review and Discuss Council Groundrules

Interim City Manager Prosser reviewed this item with the City Council. The groundrules were updated in October 2004. Mr. Prosser quickly outlined the provisions of the resolution establishing the groundrules.

At the April 12, 2005, City Council meeting, Councilor Harding requested two items be removed from the Consent Agenda. At that meeting there was some discussion about advance notification -- Councilor Sherwood cited a Council rule requiring that 24-hour advance notice be given if items were to be removed from the Consent Agenda. Mayor Dirksen noted there is no requirement for 24-hour notice in the groundrules. The January 28, 2003, Council meeting minutes indicate that Council members agreed to contact the City Manager by noon on the day of the Council meeting if they wanted to remove an item from the Consent Agenda for separate consideration. Councilor Harding's request was made the morning of April 12; therefore, her request met the agreement for advance notification. Mayor Dirksen said that in the recent past, there has been an "unwritten rule" that requests for pulling Council agenda items be done 24 hours in advance.

Councilor Wilson noted he had no concerns with pulling a Council agenda item off the Consent Agenda for discussion; however, he noted that it's a different situation if staff needs to prepare additional information. Items should be routine in nature or discussed by Council beforehand in a workshop meeting.

Mayor Dirksen advised that when he reviews the Council packet, one of the first things he reviews are the Consent Agenda items since there is no opportunity for discussion on these items and he does not want to be caught by surprise should he have concerns. Other agenda items are open for discussion during the meeting. He suggested Council members

familiarize themselves with the items on the Consent Agenda as early as possible.

Councilor Woodruff suggested if a City Council member has a concern on a Consent Agenda item, it be set over to the next meeting. City Attorney Ramis commented that one of the reasons why there are no established rules on this matter might be because there are a lot of different situations and the City Council needs flexibility. There's a wide array of how jurisdictions handle the Consent Agenda process. Primarily, there should be a common understanding about the process to be used. If an item clearly needs questioning or is controversial, then it does not belong on the Consent Agenda and there should be a way to easily remove it.

Councilor Harding agreed with City Attorney Ramis' comments. It is the responsibility of staff to determine whether the issue is routine and is appropriate for the Consent Agenda. This frees up the City Council to discuss other matters that are not routine.

Mayor Dirksen said he believed the April 12 issue with the Consent Agenda was an unusual circumstance. He said the City Council could change the groundrules if it was determined that a 24-hour notice requirement should be instituted if a City Council member wants to have an item removed. Mayor Dirksen responded to a comment from Councilor Harding and advised that the Consent Agenda is adopted if it is approved by a majority of the City Council present. City Attorney Ramis noted the Charter provides that decisions are made by the majority of City Council unless the City Council decides to impose a higher standard.

After discussion, consensus of City Council was to be flexible with regard to requests for removing a Consent Agenda, realizing that removal of a Consent Agenda item could cause impacts.

Councilor Wilson noted some concerns about the process regarding responding to e-mails from the public in order to make sure the public record is maintained. Staff will review and report back to Council about this process. There was discussion about the volume of information from the City received by Council members. Councilor Harding commented on her efforts to organize City-related items on the City laptop and referred to some software that might be helpful. Interim City Manager Prosser noted that GroupWise software might be available for Councilor's laptops. Councilor Harding questioned if the \$250 proposed budget relating to Council meetings was sufficient with regard to the supplies and tape recording equipment. This matter will be reviewed during the budget process.

Councilor Woodruff commented on the communication process to be followed by the City Council as set forth in the Council groundrules. He said he understands that he should first attempt to contact Interim City Manager Prosser, and if he does send a communication to the Department Head, he would make sure Interim City Manager Prosser is copied. Contacts to board and committee members are not specified in the Council groundrules; however, Interim City Manager Prosser noted that direction to a board or committee to work on a project should be decided upon by the entire Council.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7 p.m. to discuss labor negotiations and pending litigation under ORS 192.660(2)(d) and (h).

Executive Session concluded at 7:30 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council & Local Contract Review Board to order at 7:35 p.m.
- 1.2 City Council Present: Mayor Dirksen, Councilors Harding, Wilson, and Woodruff.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. PROCLAMATION: Proclaim May 1-7 as Be Kind to Animals Week

Mayor Dirksen, with concurrence of the Council members present, proclaimed May 1-7 as Be Kind to Animals Week.

3. CITIZEN COMMUNICATION

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, Oregon, referred to the last City Council business meeting at which Councilor Harding had requested that items be removed from the Consent Agenda for separate consideration. She referenced the Study Session discussion by the City Council just prior to this business meeting when the City Council discussed the Council groundrules, including the Consent Agenda process. She indicated she was encouraged with the discussion about how requests to remove items for further discussion would be handled in the future. On April 12, 2005, Councilor Harding proposed a motion to remove items from the Consent Agenda for separate consideration. The motion was not seconded; therefore, there was no City Council consideration to remove the items in question.

Ms. Ellis Gaut advised the manner in which Councilor Harding's request was handled was upsetting. She said that the Council groundrules are not an internal matter; a Consent Agenda should have universal support. Ms. Ellis Gaut spoke to honoring a request for separate consideration of items on the Consent Agenda when a City Council member raises an issue. Ms. Ellis Gaut reported she had contacted other cities and could not find any other instance where a 24-hour notice requirement was imposed. She added that one of the items Councilor Harding wanted to have pulled from the Consent Agenda was going to cost a lot of money and Ms. Ellis Gaut would have been interested in more information on this item.

Councilor Wilson acknowledged that Ms. Ellis Gaut made an important point. He noted that most items on the Consent Agenda have been discussed at a previous meeting and are routine. City Council discussed Council groundrules during the Study Session portion of this meeting. No 24-hour notice requirement is in the Council groundrules and the Council decided it would not amend the rules as they want to keep the process flexible so issues could be raised.

Councilor Harding added that the public also has the right to address the City Council on issues they might have.

- Gretchen Buehner, 13249 SW 136th Place, Tigard, Oregon, referred to a recent Council discussion at a workshop meeting regarding whether the City Council should serve as the urban renewal agency should one be formed. She urged the City Council to appoint a independent board as soon as possible so that the board could "hit the ground running" if the voters approved the urban renewal district (use of tax increment financing). She added that the City Council members did not have the expertise or the time to serve on this board. Councilor Woodruff responded that the City Council had discussed this matter including the idea that the City Council serve as the Urban Renewal Agency and that a board be appointed later.
- Follow-up to Previous Citizen Communication

Interim City Manager Prosser reported that at the last business meeting:

- Alice Ellis Gaut reminded City Council and citizens that Friday, April 22, was Earth Day.
- Lisa Hamilton Treick appeared before the City Council and gave her view as a resident of the unincorporated area on what non-residents would like to see in a new City manager.
- Gretchen Buehner appeared to bring to the City Council's attention a nuisance issue on commercial property west of Grant Street, fronting Tigard Street and abutting Fanno Creek. The Code Compliance officer advised that there are two properties involved: One is zoned I-P and it is permissible

to have equipment on the property and the other property on Grant Street was cited into court some time ago and it's working its way through the court process.

Ms. Buehner also commented meetings held in the Library Community are difficult to hear. As a result of this concern, microphones are set up for Budget Committee meetings, which are being held in this room.

Councilor Woodruff updated citizens on the City Manager application process. Applications are due next week and applicant review will commence.

Youth Advisory President Williams announced the following Consent Agenda items:

4. CONSENT AGENDA:

- 4.1 Approve Council Minutes for March 1, 8, and 15, 2005
- 4.2 Receive and File:
 - a. Meeting Notes for March 29 Tigard City Council "Fifth Tuesday" Meeting
 - b. Annual Solid Waste Financial Report Findings
- 4.3 Appoint Jim Bray and Rob Callan to the Tree Board – Resolution No. 05-27

RESOLUTION NO. 05-27 – A RESOLUTION OF TIGARD CITY COUNCIL APPOINTING JIM BRAY AND ROB CALLAN TO THE TREE BOARD

- 4.4 Accept the Land and Water Conservation Grant Award and Authorize the Mayor to Sign the Agreement Accepting Grant Funds
- 4.5 Authorize the Mayor to Approve West Nile Virus Intergovernmental Agreement with Washington County
- 4.6 Local Contract Review Board:
 - a. Award Contract for the Construction of McDonald Street Improvements
 - b. Award Contract for the Construction of the FY 2004-05 Pavement Major Maintenance Program (PMMP) – Phase 2
 - c. Approve Purchase of Mobile Data Computer Software and Hardware
- 4.7 Approve Budget Amendment #13 to the FY 2004-05 Budget to Increase Appropriations in the Police Department for Purchase of Replacement Mobile Data Computer Software – Resolution No. 05-28

RESOLUTION NO. 05-28 – A RESOLUTION APPROVING BUDGET AMENDMENT #13 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE POLICE DEPARTMENT FOR PURCHASE OF REPLACEMENT MOBILE DATA COMPUTER SOFTWARE

4.8 Authorize the Mayor to Sign an Agreement with Washington County to Accept Community Development Block Grant (CDBG) Funds for Sidewalk Improvements to Hall Boulevard

Motion by Councilor Woodruff, seconded by Councilor Wilson, to approve the Consent Agenda as presented.

The Consent Agenda was approved by a unanimous vote of City Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

5. UPDATE – LIBRARY STRATEGIC PLAN

Library Director Barnes presented the staff report. A copy of the PowerPoint presentation summarizing the highlights of the staff report is on file in the City Recorder's office. Five service priorities were identified by a committee made up of a broad cross-section of the community. These priorities are:

- Current topics and titles
- General information
- Commons
- Information literacy
- Cultural awareness

Library staff developed goals, objectives and activities for each of the service priorities. City Council members received a copy of the document *Mapping the Future*, which described each service priority as well as its goals and objectives. The new strategic plan coincides with the first year of the new library's operation and, thus, will help define the library's role in the community.

Councilor Woodruff asked Library Director Barnes about the parking lot at the new library. The parking lot for the new facility is often full, especially when there are events in the Community Room.

There was discussion on some of the attendance statistics reported in the Strategic Plan that will continue to be tracked and reported to the City Council.

6. AN ORDINANCE AMENDING TITLE 14 OF THE TIGARD MUNICIPAL CODE ADOPTING SECTIONS AN109.4.2 THROUGH AN109.4.3 OF THE STATE OF OREGON RESIDENTIAL SPECIALTY CODE – FIRE SPRINKLERS FOR APARTMENTS CONSTRUCTED UNDER THE RESIDENTIAL CODE AND INCLUDING DEMOLITION WITHIN THE SCOPE OF THE SPECIALTY CODES

Building Official Lampella presented the staff report on this agenda item and outlined for Council the provisions of the proposed ordinance.

Staff recommended that the Council approve the ordinance to adopt Sections AN109.4.2 through AN109.4.3 of the State of Oregon Residential Specialty Code.

In response to a question from Councilor Harding, Building Official Lampella advised that the City has adopted the necessary code provisions and he does not anticipate bringing any additional regulations to be considered by the City Council. There was brief discussion on firewall requirements for condominiums.

Motion by Councilor Wilson, seconded by Councilor Harding, to adopt Ordinance No. 05-06.

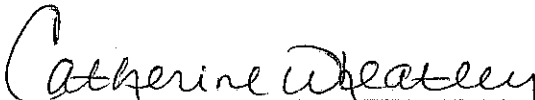
ORDINANCE NO. 05-06 – AN ORDINANCE ADOPTING THE SPECIALTY CODE NAME CHANGE, SECTIONS AN109.4.2 THROUGH AN109.4.3 OF SUCH SPECIALTY CODE – ALTERNATE FIRE SPRINKLER SYSTEM REQUIREMENTS, AND INCLUDING DEMOLITION IN THE SCOPE OF THE ADOPTED SPECIALTY CODES.

The motion was approved by a unanimous vote of City Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

7. COUNCIL LIAISON REPORTS: None
8. NON AGENDA ITEMS: None
9. EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 8:19 p.m. to discuss labor negotiations and pending litigation under ORS 192.660(2)(d) and (h).

10. ADJOURNMENT: 9:55 p.m.


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: June 14, 2005